

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

THOMAS A. McLAREN and RITA D.
McLAREN,

Plaintiffs,

vs.

IRS-APPEALS OFFICE, MICHAEL
JEKA,

Defendant.

CV-06-53-BU-CSO

ORDER

It has been brought to the Court's attention that Plaintiffs have paid their filing fee. Due to a docketing error, the Court was unaware that Plaintiffs paid their \$350.00 filing fee on August 28, 2006. Therefore, Judge Haddon's September 20, 2006, Order (*Court's Doc. No. 5*) and the undersigned's October 16, 2006, Order (*Court's Doc. No. 6*) were improvidently entered. Because Plaintiffs have paid their filing fee, this case should now proceed as required by the rules.¹

Accordingly, IT IS HEREBY ORDERED that:

(1) This Court's October 16, 2006, Order (*Court's Doc. No.*

¹ Plaintiffs are advised to familiarize themselves with Rule 4 of the Federal Rules of Civil Procedure and Rule 4 of the Local Rules of Procedure of the United States District Court for the District of Montana regarding service. The Local Rules for the District of Montana may be found on the Court's website at <http://www.mtd.uscourts.gov/>.

6) is withdrawn.

(2) Pursuant to Fed. R. Civ. P. 4(m), Plaintiffs' time to serve their Complaint is **EXTENDED** until **January 19, 2007**.

Plaintiffs must effect personal service or request a waiver of service on or before that date.

DATED this 31st day of October, 2006.

/s/ Carolyn S. Ostby

Carolyn S. Ostby

United States Magistrate Judge